

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**NATIONAL LABOR
RELATIONS BOARD,**

Petitioner,

CIVIL ACTION NO. 15-mc-50264

v.

DISTRICT JUDGE PAUL D. BORMAN

**D2 ABATEMENT, INC. and
PREMIER ENVIRONMENTAL
SOLUTIONS, LLC,**

MAGISTRATE JUDGE MONA K. MAJZOUN

Respondents.

**ORDER GRANTING APPLICATION FOR ORDER
ENFORCING SUBPOENAS DUCES TECUM [1]**

Before the Court is an Application for Order Enforcing Subpoenas Duces Tecum filed by the National Labor Relations Board (“NLRB”) on February 25, 2015. (Docket no. 1.) Respondents D2 Abatement, Inc. and Premier Environmental Solutions, LLC have not filed a response, and the time for responding has expired. This matter was referred to the undersigned for decision pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 3.) The Court has reviewed the pleadings and dispenses with oral argument pursuant to Eastern District of Michigan Local Rule 7.1(f)(2). The Court is now ready to rule pursuant to 28 U.S.C. § 636(b)(1)(A).

On July 22, 2014, the International Union of Painters and Allied Trades filed unfair labor practice charges against Respondents with the NLRB. (Docket no. 1 at 2, 6; docket no. 1-4.) On January 30, 2015, the NLRB issued investigative subpoenas duces tecum directing the custodians of records for Respondents to appear on February 13, 2015 at the NLRB’s Office for Region Seven in Detroit, Michigan to provide sworn affidavit testimony and to produce certain

documents. (Docket no. 1 at 3-4, 7; docket no. 1-7; docket no. 1-9.) Respondents did not appear as directed or produce the requested documents. They also have not petitioned to revoke the subpoenas.

Pursuant to Section 11 of the National Labor Relations Act, 29 U.S.C. § 161, the Court has reviewed the subpoenas, the pleadings, and the other exhibits submitted by the NLRB, and finds that the NLRB's issuance of the subpoenas duces tecum is within the lawful jurisdiction of the government authority seeking the requested sworn testimony and documents; that the subpoenas were issued for a legitimate statutory purpose; that the testimony and documents sought are reasonably relevant to that purpose; and that the NLRB has observed all pertinent statutory procedures.

IT IS THEREFORE ORDERED that the Application for Order Enforcing Subpoenas Duces Tecum [1] is **GRANTED**.

IT IS FURTHER ORDERED that Respondents D2 Abatement, Inc. and Premier Environmental Solutions, LLC will comply with NLRB Subpoenas Nos. B-1-KZFE0H, B-1-KZFJZR, B-1-KZFGQJ, B-1-KZFZXX, B-1-KZGCH1, and B-1-KZFZDX and appear before the NLRB at a time and place as the Regional Director may designate to produce all the records requested in the subpoenas and to give testimony as directed, including sworn affidavit testimony.

Respondents' failure to comply with this order may result in the imposition of sanctions.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: September 9, 2015

s/Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon counsel of record on this date.

Dated: September 9, 2015

s/Lisa C. Bartlett
Case Manager